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Speech of  
Edgerton, Hon. Sidney  
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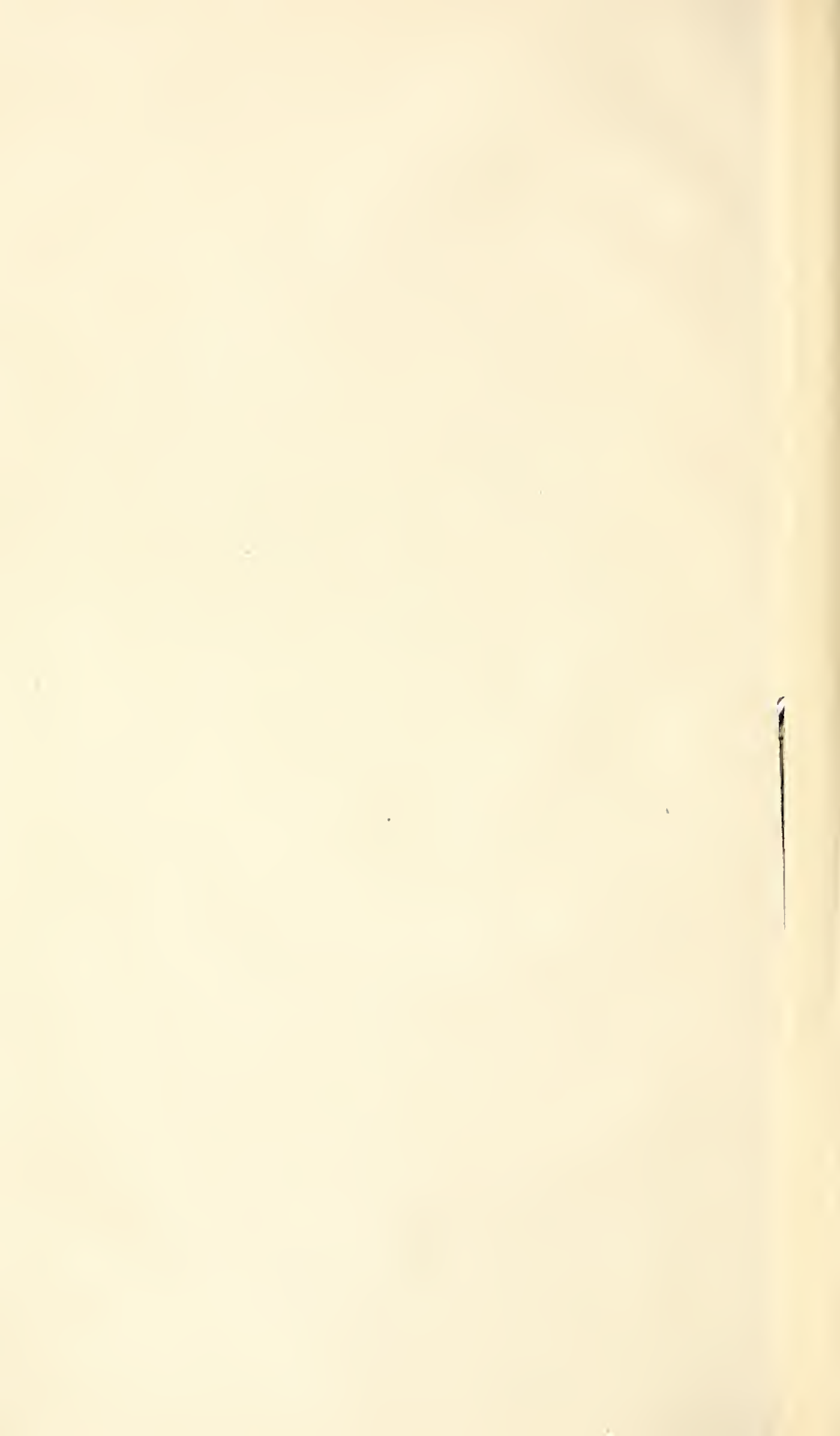
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STATE OF THE UNION. 658

# Speech of Hon. Sidney Edgerton,

OF OHIO,

*Delivered in the House of Representatives, January 31, 1861.*

The House having under consideration the report from the select committee of thirty-three—

Mr. EDGERTON said :

MR. SPEAKER: In times like the present, when prejudice and passion have seized the minds of men; when momentous questions are to be settled affecting, not only the present, but reaching far into the limitless future; when, in short, a great nation is in the very throes and convulsions of revolution, it behoves us to act with calmness, to look about us, and see what is the disturbing element; and when found, apply to it the remedy which wisdom and patriotism may dictate. A stranger to our Government and its history would be at a loss to find an adequate explanation for the wonderful excitement and headlong fury of the hour. He would see a country prosperous, abounding in material wealth; a Government restrained, mild, and paternal. But to one conversant with our history, that disturber of our peace is well known; it is the fell-spirit of slavery. For years it has controlled this Government, and, like a virus, it has infused itself into the life-blood of the nation; and now, grown strong under this Government, it demands the perpetuity of its power or the overthrow of Government itself.

We hear much said on this floor about southern rights and southern wrongs. It would raise a smile of derision should we talk about eastern rights or western rights, as rights independent of and paramount to our rights as American citizens. But what are these wrongs of which the South complain, of which we hear so much in vague generalities? Is it the election of Lincoln? That we had an unquestionable constitutional right to do, and for it we owe no apology; and I, for one, shall make none. But he differs with you on the subject of slavery. That he has a right to do; and a majority of the people and of the civilized world are with him, and opposed to you. If it has come to this, that a minority can dictate what shall be the peculiar views of a presidential candidate on the subject of slavery or any other subject, then we are slaves; and if we submit to such dictation, we ought to be slaves. It is said—and this I believe is the chief cause of complaint—that slaveholders are not permitted to go into the common territory with their slaves. Our slaves are our property, you say, and we have or should have the same right to take them into the territory and hold them there, as you of the North to take your cattle and other property. If it be true that slaves are property as cattle are property, then you have the right, and should be protected in that right. How, then, are slaves property? Not by virtue of any natural law.

In that great primal law of Jehovah which gave man dominion over the fowls of the air, the fish of the sea, and the beasts of the field, I find no provision for slavery. By the common law—that law which is everywhere acknowledged:



and which grows out of the fitness of things—slaves are not property. Nearly all civilized nations deny that man can hold property in man; but my right to my horse is everywhere admitted. This right was not created by law; it existed before constitutions and laws, and cannot be impaired by them. If, then, your slaves are property, the same as other property in this Government, they must be made so by the Constitution of the United States. And, pray, where in that instrument do you find the article or section which ordains and establishes slavery; which makes one man the property of another? And it must be there in express terms, if at all; for such a relation cannot be created by inference or implication; and if you find it there, I am surprised at the excessive modesty which demands so little. You are entitled to all you ask, and far more. As was well said by my able colleague, [Mr. STANTON,] in his unanswerable argument the other day, “you have the right to take your slaves into the States and hold them there” by virtue of the supreme law, “anything in the constitution or laws of any State to the contrary notwithstanding.” And more than this: if slaves are property by the Constitution, you have the right to take your slaves upon the high seas, and trade and traffic in them there, and it is the duty of Government to protect you in that right. And yet more: you have the right to take your slaves into any part of the world, and hold them there; and your Government must protect you in that right. “The property of an individual,” says Vattel, “does not cease to belong to him on account of his being in a foreign country; and it is still a part of the totality of the wealth of his nation. The pretensions which the lord of the territory might form, in respect to the wealth of a foreigner, would be, then, equally contrary to the rights of the proprietor, and to those of the nation to which he belonged.”

But there is nothing of the kind in the Constitution. It sedulously guards even against such a suspicion; and whenever it speaks of slaves, it speaks of them as persons, not as things. Your slaves must be property, then, (if indeed they are property at all,) by virtue of some local State legislation. And will gentlemen tell me by what process slavery, the creature of *local* law, is made national? It is a well-established proposition in law, that property made so by local legislation, is only property while within the local jurisdiction. The moment you take your slave beyond the borders of your State, upon free territory, that moment the fictitious and unnatural relationship created by your local law ceases, and your slave stands before you no longer a thing, but a man like yourself. When you ask us to admit the monstrous proposition that slavery is national, you ask us to admit what your own southern courts have again and again denied; what a few years ago no man was insane enough to claim. Here are some of the decisions of your own courts, which I submit to your consideration.

The court of appeals of Kentucky, in the case of *Rankin vs. Lydia*, says:

“Slavery is sanctioned by the laws of this State, and the right to hold them under our municipal regulations is unquestionable. But we view this as a right existing by positive law of a municipal character, without foundation in the laws of nature, or the unwritten and common law.”—2 *Marshall's Reports*, p. 476.

The same principle is also affirmed in the case of *Tom Davis vs. Tingle et al.*, (8 B. Monroe, p. 545.)

In the case of *Lunsford vs. Coquilla*, the supreme court of Louisiana declares that—

“The relation of owner and slave is—in the States of this Union in which it has a legal existence—a creature of municipal law.”—2 *Martin*, p. 402.

The supreme court of Mississippi, in the case of *Harry vs. Decker*, uses this very emphatic language:



"Slavery is condemned by reason and the laws of nature ; it exists and can only exist through municipal regulations."—*Walker's Mississippi Reports*, p. 42.

Also, page 83, *State of Mississippi vs. Jones*, the court says :

"The right of the master exists, not by the force of the law of nature or of nations, but by *virtue only* of the *positive* law of the State."

The Supreme Court of the United States, in the renowned *Prigg* case, decides the same point. It says :

"The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of territorial laws."—16 *Peters*, 439.

Here, then, we find southern courts—courts of now seceding States—sustaining the very position which we now take, and for which we are denounced as sectional, and as enemies to the South.

The gentleman from Virginia, [Mr. MILLSON,] whose candor and ability always command the attention of this House, advanced a new, and, as I think, a most untenable argument, in behalf of the right of the master to take his slave into the Territory. He says :

"A slave is a man. He is a responsible man ; responsible to our laws, responsible to God. He is a person ; a person held to service ; and it is because he is a person, that the position of the South before this Congress and in the Constitution is impregnable. I say it is because he is a person that gentlemen of the Republican party are forbidden to pass a law prohibiting his emigration into the Territories. As mere property, you might set up a plausible claim to exclude him. Ay, as mere property, there would be a color of argument in favor of his exclusion ; but as a person, a person held to service, a man holding a personal relation to another, a member of the household, a part of the family, you have no more right to exclude him from the privilege of going into the Territories with his master than you have to exclude a wife from going into the Territories with her husband. The wife, too, by law, owes service and labor to the husband. The relation existing between husband and wife is the relation established by the laws of the States ; and the gentleman from Ohio cannot say that these are laws which are local, and do not extend beyond the limits of the States where they were enacted ; because the same argument would force him to the conclusion that it is within the power of Congress to exclude from a Territory a wife bound to her husband under the laws of any State, and that the husband cannot carry a wife occupying that relation with him into the Territories, because the law under which that relation was established or recognized does not extend beyond the territory of the State in which it was enacted."

I thank the gentleman for the admission, that "the slave is a man—a responsible man ;" the conclusion follows of necessity, that he is entitled to all the inherent rights of man, moral, mental, and physical.

But I will not dwell on this point. I am surprised that any one should claim for slavery, which, in the language of a southern judge, "is condemned by reason and the laws of nature," the same consideration and protection as the natural and universal relation of husband and wife—the one is founded in force, the other in voluntary contract. It is true the husband may take his wife into any country, and the relationship continues, because the relationship of husband and wife is everywhere recognized and established ; and I suppose the slaveholder may take his slave into any country where that relationship is established by law. But the marriage relation even is controlled by the law of the domicile, and not by the law of the State where the marriage was consummated. When a man moves from the State of New York into the State of Ohio, he is yet entitled to the services of his wife, not by virtue of the laws of New York, but by the laws of Ohio. In the State of New York he was entitled to the services of his wife, and, by the laws of that State, he could only be

divorced and deprived of those services for the crime of adultery. But when he moves to Ohio, the wife may seek and obtain divorce for habitual drunkenness, extreme cruelty, willful absence for three years, and for a number of other causes. Should Brigham Young move into Virginia with four, six, or a dozen wives, would the Virginia law prevail or the law of Utah? Clearly the law of Virginia. And the gentleman from Virginia would say to the man of many wives: "Sir, you can have but one wife here!" The law under which the relation was established or recognized does not extend beyond the territory in which it was enacted. I think the gentleman would see the fallacy of his argument should Brigham reply with the gentleman's own speech: "My wives are persons, responsible persons, holding a personal relation to me; they are members of my household, a part of my family, and you have no right to exclude them from the privilege of coming into your State with me." What would the gentleman say? Would he admit the force of the argument? Would he not rather say: "If you wished to retain your wives, you should have remained where polygamy is lawful: the unholy relationship cannot exist here." He might apply the language of the Mississippi court, when speaking of the "twin relic:" "It is condemned by reason and the laws of nature; it exists, and can only exist, through municipal regulations."

No, gentlemen, you have no legal or constitutional right to take your slaves into the Territories; it is contrary to the spirit of our Government, and contrary to the advice and practice of the fathers. The policy of restriction was their policy, and we adopt it from them. And yet, unless we will permit you to take your *local* and *peculiar* institution into all our Territories, to blast the soil, to banish enterprise, to corrupt their institutions, and sow the seeds of future discord and strife, you will dissolve the Union. In the name of the Constitution, you make an unconstitutional demand. In the name of liberty, you seek to establish slavery; pleading for justice, you attempt to build up and strengthen the most gigantic iniquity the world ever saw. To vote to extend your institution is to vote for our own banishment. In the slave States, northern men are in more danger of insult and outrage than in any other part of the world, civilized or uncivilized. I admit the necessity which slavery imposes. Where slavery lives, liberty must die; for there is an interminable conflict between right and wrong, freedom and slavery, God and Belial.

Mr. Speaker, the South, which complains of oppression and wrong, has had the control of this Government for twenty years. It has made every department intensely sectional. No man could hold office under it for one hour unless he was pro-slavery. If from the North, he was expected to abjure the faith of his fathers, and swear fealty to slavery; and yet they have been oppressed! This cry of southern wrong is a subterfuge under which treason has sought to hide its wicked designs. It has been most loudly proclaimed by those who, living upon this Government, swearing to support it, have nevertheless dared to plot its overthrow. The South has been the favored section under this Government; it has no real cause to complain. All its rights have been carefully secured; and all our obligations to the South we have faithfully observed. You ask for protection to your peculiar property. You get all that the Constitution gives, and more. But the North has cause of complaint. We ask, and ask in vain, for protection to our persons in your slave States. Unoffending northern men are scourged, branded, murdered and they have no protection from your laws. How can men who have encouraged these things, and who now justify the theft, robbery, and treason in the southern States, talk of that fiction of fictions—southern wrongs? How the South has been oppressed—oppressed with patronage and office; and whenever it has felt power slipping from its grasp, it has raised the howl of disunion! disunion! And we are met here again, and asked what we are going to do to save the Union? Gentlemen, the

Union is of far more importance to you than to us. We do not propose to disturb it; do you? We abide by the Constitution and laws, and expect you to do the same. If you will, the Union is safe.

We are called upon to compromise with slavery—to give it new guarantees. If guarantees are to be given, I demand them for freedom. Now, when the souls of men are stirred as with the inspiration of liberty; when Italy—long oppressed, down-trodden, classic Italy—has risen from her night of enthrallment, and, vindicating her ancient renown, has wrung from the bloody hands of the Hapsburgs her long-lost freedom; when the autocrat of Russia strikes from the limbs of his serfs the corroded fetters; when disenthralled millions on the banks of the Oder, the Lena, the Volga, and the Dnieper, are singing their songs of deliverance, it is no time in this nation, which begun by avowing the sublime doctrine of man's inalienable rights—it is no time, I say, to talk of new guarantees to slavery. As we revere the memories of our fathers, we should see that their hopes of freedom are here realized, and that their blood was not shed in vain. The great interests of the present, and the yet greater interests of the future, demand of us that we stay the further aggressions of slavery. I will not compromise!

1. I will not compromise, because I have no faith that any compromise we could make would stand one hour longer than it ministered to slavery. The people have not yet forgotten—and I trust they will not soon forget—the fate of the Missouri compromise. The treatment of Kansas, baptized in blood that she might be enslaved, is yet terribly fresh in their remembrance. We have had compromise after compromise, and each one was a finality. The perturbed spirit of slavery, we were told, was finally put to rest by the ghostly incantation of compromise. But hardly had the shouts of exultation died away, before the black gladiator stalks again into the arena, demanding new compromises. What security, I ask, have we that any compromise we may make will be any better observed? Put it into the Constitution, you say. But the Constitution has always been just what slavery would make it; and to-day it is openly, vauntingly violated by the men who demand further concession to slavery. Slavery is that higher law before which compromise and Constitution are as dust.

2. I will not compromise, because I would not further strengthen slavery. It is already strong enough to endanger, if not to annihilate, this Government. In many of the States it has already obliterated every one of the ideas which inaugurated the Revolution, and made it memorable. In the free States, it has demoralized the sentiment of our people, both priest and politician, Church and State. "The trail of the serpent is over them all."

3. I will not compromise, finally, because slavery is a sin, an outrage against humanity, and an insult to God. Disguise it as you will, it is still the crowning iniquity, the most ghastly atrocity. Beginning in violence, it can neither be hallowed by time nor sanctified by law. With my consent, it shall never curse another foot of God's fair earth. By no vote of mine shall it ever be strengthened or countenanced. You may dissolve this Union, if you can. If its existence depends upon supporting, strengthening, and extending slavery, then the sooner dissolved the better. It was formed for the noble purpose of promoting justice and securing liberty; and when your Union and Constitution fail to promote these ends, they are no longer the Union and Constitution of our fathers; they are no longer worthy the support of freemen. It is not the formula of words in our Constitution which I reverence, but the animating spirit—the guarantees to freedom.

But, Mr. Chairman, we are threatened with war, unless we yield to this new demand. Very well; if war must come, let it come. Peace is not the first interest of a people. Better encounter war, with all its manifold horrors, than suffer the sense of justice and humanity to die out of the hearts of the people.



War—fierce, bloody, and relentless war, is better than the perpetual war of despotism, which slowly but surely drags nations down to ruin. And gentleman should know that the first blast of war will be the trumpet-signal of emancipation.

If compromise was desirable, this is not the time to think of it. When the Constitution and laws are openly defied; when forts and arsenals are seized by rebels; when the flag of our country is no longer a protection to its citizens, but rather a target for treason, it is no time to compromise, not till treason is punished, our plundered property restored, and the stars and stripes planted again upon every fortress in the land. No people ever yet *bought* a permanent peace. The hordes of Alarick returned to demand new tribute after they had expended the gold extorted from the fears of Rome. So, compromise now; and from this vantage-ground of precedent they will demand new and ever-increasing guarantees to slavery. It is full time that we met this subject like men, like legislators acting for the future. We may shade our eyes with our hands, and swear that the sun is blotted from the heavens, yet there it is; we may compromise now, and tell others, and try to believe ourselves, that it is a finality, but who does not know that the disease is yet left to spread and rankle, and finally to break out with deadly virulence?

Your concession nostrums and compromise empiricisms will never settle this controversy; it is past quackery, and can only be settled in accordance with eternal right. To compromise now, in my judgment, is most dangerous and disgraceful; dangerous to the cause of freedom, and disgraceful to our manhood. Fresh from the people, with a verdict triumphantly in our favor, shall we stand and chaffer to know whether that verdict shall be executed in all its significance, or be canceled by compromise? If we attempt to ignore that verdict, our party, like others that have gone before it, will die. If we, as men, are not strong enough to execute that verdict, the people will send those here who will. Great men may falter and fail in this trying struggle; but I believe the cause is stronger than any man or set of men; strong enough to spare them; and they who were so strong and great, standing abreast with truth, may feel how weak and dwarfed they are fighting for the wrong. We are invited to this humiliation to save the Union. When Spurius Postumius, the Roman Consul, was about to pass under the yoke of the Samnites, a subaltern cried to him, "Stoop and lead us to disgrace for our country's sake." There is an apparent sarcasm in these words of the Roman. But we must stoop and go under the yoke for the sake of slavery. For one I shall do no such thing.

Mr. Chairman, we hear much talk here about reconstruction, that the seceding States may come back with new constitutional guarantees to slavery. Let no one deceive himself with such a fallacy. The State which really gets out of this Union will never return; she digs behind her a gulf as impassable as that which separated Dives from Paradise. And should any get out, when they attempt to return they may realize the truth of the old poet: "To go to hell is easy; but to come back again, *that* is labor, *that* is toil."

What a lamentable picture, Mr. Chairman, do we now present to the world. Citizens are seized, scourged, murdered; armed bands of traitors capture forts and arsenals; they fire upon our flag, and flaunt defiance in our very faces; and yet Government, we are told—and told, too, by northern men on this floor—Government is powerless; we cannot enforce the laws. What to me is singular is, that these very men who now deny the power of Government to vindicate its laws are the men who talk loudest and longest about law and order whenever a fugitive, man or woman, is to be returned to slavery. Then law is a sacred thing, and its enforcement the highest duty; but when law is invoked to arrest treason and robbery, then we are asked if we intend to resort to coercion. Is not coercion the essence of all government? Not the coercion of unfeeling, in-

tangible State organizations ; but the coercion of men who are responsible to the law.

How long since our Government became so feeble, so averse to force ? When Anthony Burns was seized in Boston, Government did not stand and hesitate. The Army and Navy were proffered at once ; and when, in the gray of the morning, he was marched down to the wharf, to be sent back to slavery, he was escorted by a band of soldiers. There was coercion ; Government was then prompt as thought—a very giant in the presence of that poor, weak negro ; to him it was, “fierce as ten furies, terrible as hell.” The Executive of the nation was then a Mars panoplied for fight. But now, when crime is rife and treason rampant, the Executive, instead of using the power intrusted to him, to stay the crime and arrest the treason, looks on aghast, and suffers it to gather head and power till, finally, in utter despair, like a Dominican monk, he exclaims, “Ho ! all ye good people of the United States, let us pray !” and men that never thought of prayer before, responded, “Amen : let us pray.”

I will confess, I feel humiliated and disgraced in this humiliation of my country. I lament its fallen greatness, and blush for its recreancy and shame. Our nation is now on trial before the nations of the earth and posterity. How it will pass the trying ordeal, impartial history will record. If we dare be true, relying upon justice, which is ever strong, then all will be well ; the brightest page of our history is yet to be written. But if, for material considerations or for peace, we barter away truth and right, then will history record our downfall and infamy, because we knew our duty and we did it not. But whether in war or in peace, whether in the Union or out of the Union, I trust that that which is more than Union, more than Constitution—the rights of man—will come out of this struggle vindicated and unimpaired. Though the clouds hang heavily around us, narrowing our vision, yet I have an abiding faith that beyond the murky cloud, in the calm, serene majesty of Omniscience, “standeth God within the shadow, keeping watch above his own.”

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